

Information for Requester

Pursuant to Title 10, Code of Federal Regulations, section 1004.6 (10 C.F.R. 1004.6), the Office of Classification, Office of Environment, Health, Safety and Security, in the Department of Energy (DOE) has completed its review(s) of the document(s) responsive to your request. This/These document(s), located in the files of the Department of the Navy, contain(s) information properly classified Formerly Restricted Data (FRD); therefore, it is/they are provided to you with deletions.

Title 5, United States Code, section 552(b)(3) (5 U.S.C. 552(b)(3)) (Exemption 3), exempts from disclosure information "specifically exempted from disclosure by statute (other than section 552(b) of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld" The Atomic Energy Act (AEA) of 1954, as amended, 42 U.S.C. 2011 et seq., is an Exemption 3 statute. Sections 141-146 of this Act (42 U.S.C. 2161-2166) prohibit the disclosure of information concerning atomic energy defense programs that is classified as either Restricted Data or FRD pursuant to the AEA, as amended. The portions deleted from the subject document(s) pursuant to Exemption 3 contain information about weapon yields that has been classified as FRD. Disclosure of the exempt data could jeopardize the common defense and the security of the nation.

To the extent permitted by law, the DOE, pursuant to 10 C.F.R. 1004.1, will make available records it is authorized to withhold under the Freedom of Information Act (FOIA) whenever it determines that such disclosure is in the public interest. With respect to the information withheld from disclosure pursuant to Exemption 3, the DOE has no further discretion under the FOIA or DOE regulations to release information currently and properly classified pursuant to the AEA, as amended.

Pursuant to 10 C.F.R. 1004.6(d), Dr. Andrew P. Weston-Dawkes, Director, Office of Classification, Office of Environment, Health, Safety and Security, is the official responsible for the denial of the DOE classified information.

Pursuant to 10 C.F.R. 1004.8, the denial of a FOIA request may be appealed, in writing, within 30 days after receipt of a letter denying any portion of the request, to the Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. The written appeal, including envelope, must clearly indicate that a Freedom of Information appeal is being made, and the appeal must contain all other elements required by 10 C.F.R. 1004.8. Judicial review will thereafter be available to you in the District of Columbia or in the district where: (1) you reside, (2) you have your principal place of business, or (3) the Department's records are situated.